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C O N F I D E N T I A L SECTION 01 OF 03 ZAGREB 000995

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E.O. 12958: DECL: 05/06/2008

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SUBJECT: GOC LURCHING FORWARD ON IMPLEMENTING MINORITIES LAW

REF: 02 ZAGREB 2991

CLASSIFIED BY: POLOFF A.F.GODFREY FOR REASONS 1.5 (B,D)

SUMMARY

11. (C) IN DECEMBER 2002, THE CROATIAN PARLIAMENT PASSED A
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PAGE 02 ZAGREB 00995 01 OF 03 061502Z
NEW "CONSTITUTIONAL LAW ON NATIONAL MINORITIES." THAT LAW
WAS WIDELY HAILED BY THE INTERNATIONAL COMMUNITY AS A
REASONABLE COMPROMISE AND A STEP FORWARD FOR MINORITY RIGHTS
IN CROATIA. BUT THE CROATIAN GOVERNMENT HAS BEEN SLOW TO
IMPLEMENT IT, AND CAME UNDER FIRE FROM THE INTERNATIONAL
COMMUNITY FOR ITS DELAY. THE LAW CALLS FOR BROAD PROTECTIONS
OF MINORITY RIGHTS, INCREASED LEVELS OF REPRESENTATION AND
THE CREATION OF NEW LOCAL- AND NATIONAL- LEVEL "MINORITY
COUNCILS." THESE NEW COUNCILS WILL BE STATE-FUNDED AND,
WHILE THEY HAVE LITTLE DIRECT POLICY RESPONSIBILITIES, ARE
EXPECTED TO BE INFLUENTIAL IN DIRECTING STATE RESOURCES AND
IN SELECTING MINORITY CANDIDATES FOR LOCAL BY-ELECTIONS.

12. (C) ON APRIL 10, THE RACAN CABINET LURCHED INTO ACTION
AND ANNOUNCED THAT ELECTIONS FOR LOCAL MINORITY COUNCILS
WOULD TAKE PLACE ON MAY 18. MINORITY GROUPS COMPLAIN THAT
THE WARNING TIME IS TOO SHORT AND THAT BUREAUCRATIC SNAFUS
ARE PREVENTING REGISTRATION OF CANDIDATES. THE LEADER OF THE
CROATIA'S ETHNIC ITALIAN MINORITY HAS CALLED FOR A BOYCOTT.
THE OSCE MISSION IN CROATIA -- PERHAPS REFLEXIVELY -- HAS
JOINED WITH THE MINORITIES IN OBJECTING TO THE SHORT NOTICE,
BUT HAS ALSO CALLED ON ALL MINORITY GROUPS TO TAKE PART IN
THE ELECTION. END SUMMARY.

NEW "CONSTITUTIONAL LAW" ON MINORITIES ...

13. (C) CROATIA'S NEW "CONSTITUTIONAL LAW ON NATIONAL
MINORITIES" (CLNM) WAS PASSED ON DECEMBER 13 (REFTEL) AFTER A
DIVISIVE DEBATE FINALLY PRODUCED A COMPROMISE WITH WHICH
MINORITY GROUPS, THE OPPOSITION AND THE INTERNATIONAL
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PAGE 03 ZAGREB 00995 01 OF 03 061502Z
COMMUNITY DECLARED THEY COULD ALL LIVE. WHILE MINORITY
GROUPS DID NOT GET EVERYTHING THEY WANTED, GUARANTEED
MINORITY REPRESENTATION IN PARLIAMENT WAS INCREASED, AND THE
LAW IS GENERALLY ACCEPTED AS A STEP FORWARD FOR MINORITY
RIGHTS.

ESTABLISHES "MINORITY COUNCILS"

14. (SBU) THE CLNM CALLS FOR THE ELECTION OF NEW MINORITY
COUNCILS AT THE COMMUNITY, CITY AND COUNTY LEVEL. IN UNITS
OF LOCAL SELF-GOVERNMENT (CITIES AND TOWNS), EACH ETHNIC
MINORITY COMMUNITY WHICH HAS MORE THAN 200 INDIVIDUALS AND
MAKES UP AT LEAST 1.5 PERCENT OF THE TOTAL POPULATION MAY
ELECT A MINORITY COUNCIL. (A SINGLE TOWN WITH MORE THAN ONE
SIGNIFICANT MINORITY COMMUNITY COULD HAVE MORE THAN ONE
MINORITY COUNCIL.) IN ADDITION TO THE LOCAL MINORITY
COUNCILS, THE CLNM CREATED A NATIONAL-LEVEL COUNCIL MADE UP
OF FIVE MEMBERS APPOINTED BY THE GOVERNMENT, SEVEN ELECTED BY
THE LOCAL-LEVEL COUNCILS PLUS ALL OF THE DESIGNATED MINORITY
REPRESENTATIVES IN PARLIAMENT.

15. (SBU) IN MOST OF THEIR FUNCTIONS, MUNICIPAL MINORITY
COUNCILS ARE EXPECTED TO ACT AS LOCAL-LEVEL WATCHDOGS FOR THE
RIGHTS OF THE COMMUNITY THEY REPRESENT. COUNCILS ARE
EMPOWERED TO PROPOSE LOCAL LEGISLATION WITH THE AIM OF
ADVANCING THE GOALS OF THE MINORITY THEY REPRESENT. THEY MAY
ALSO REVIEW DECISIONS OF THE LOCAL GOVERNMENT BODY AND, IF
THEY BELIEVE A DECISION UNFAIRLY DISADVANTAGES MINORITIES,
THEY MAY APPEAL IT DIRECTLY TO THE APPROPRIATE MINISTRY IN
ZAGREB, WHICH MUST IN TURN ANNUL THE LOCAL GOVERNMENT
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PAGE 04 ZAGREB 00995 01 OF 03 061502Z
DECISION WITHIN EIGHT DAYS IF IT AGREES WITH THE LOCAL
COUNCIL. WHILE THE LAW DOES NOT IMPOSE QUOTAS FOR MINORITY
REPRESENTATION IN CITY OFFICES, COUNCILS HAVE THE RIGHT TO
"PROPOSE CANDIDATES FOR DUTIES IN STATE ADMINISTRATIVE BODIES
AND BODIES OF SELF-GOVERNMENT UNITS."

16. (SBU) THE CLNM INSTRUCTS MUNICIPALITIES TO ALLOCATE FUNDS

TO COVER THE ACTIVITIES OF LOCAL COUNCILS. COUNCILS HAVE THE SAME STATUS AS NGOS AND ARE EXPRESSLY PERMITTED BY THE NEW LAW TO USE FUNDS FROM PRIVATE DONATIONS, EVEN IF THEY ARE FROM FOREIGN GOVERNMENTS.

ELECTIONS FOR MINORITY COUNCILS ON MAY 18

17. (SBU) COUNCILS WILL BE ELECTED BY THE SAME RULES WHICH APPLY FOR ELECTIONS OF LOCAL GOVERNMENT BODIES. ACCORDING TO THESE RULES, THE ANNOUNCEMENT OF ELECTIONS MUST TAKE PLACE NOT LESS THAN THIRTY DAYS BUT NOT MORE THAN SIXTY DAYS BEFORE THE ELECTION. PM RACAN'S CABINET SET THE MAY 18 DATE FOR ELECTIONS TO THE MINORITY COUNCILS AT ITS CLOSED SESSION ON APRIL 10. THE DECISION BECAME FINAL ON APRIL 16, THE DATE OF ITS PUBLICATION IN CROATIA'S OFFICIAL GAZETTE.

"TOO FAST," OBJECT MINORITY LEADERS

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CONFIDENTIAL PTQ8098

PAGE 01 ZAGREB 00995 02 OF 03 061502Z
ACTION EUR-00

INFO	LOG-00	NP-00	AID-00	AMAD-00	CIAE-00	INL-00	DODE-00
	SRPP-00	DS-00	EB-00	FBIE-00	VC-00	TEDE-00	INR-00
	IO-00	L-00	VCE-00	AC-01	NSAE-00	NSCE-00	OIC-02
	OMB-01	OPIC-01	PA-00	PM-00	PRS-00	ACE-00	P-00
	SCT-00	SP-00	IRM-00	STR-00	TRSE-00	USIE-00	EPAE-00
	ECA-00	PMB-00	DSCC-00	PRM-00	DRL-01	G-00	NFAT-00
	SAS-00	SWCI-00	/006W				

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P 061450Z MAY 03
FM AMEMBASSY ZAGREB
TO SECSTATE WASHDC PRIORITY 0117
INFO EUROPEAN POLITICAL COLLECTIVE PRIORITY

C O N F I D E N T I A L SECTION 02 OF 03 ZAGREB 000995

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E.O. 12958: DECL: 05/06/2008
TAGS: [PGOV](#) [PHUM](#) [PREL](#) [HR](#) [PHUM](#) [PREL](#) [HR](#) [PHUM](#) [PREL](#) [HR](#) [IT](#) [ITPGOV](#) [ITPGOV](#)
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18. (C) MINORITY LEADERS OBJECT TO THE SHORT NOTICE OF THE ELECTIONS, BUT MOST HAVE BEGUN PREPARATIONS TO ENSURE THEIR ORGANIZATIONS ARE REPRESENTED. SERB LEADER MILORAD PUPOVAC COMPLAINED THAT THE ANNOUNCEMENT WAS PUBLISHED RIGHT BEFORE THE EASTER SEASON, WHICH MEANT THAT MANY OF THE BUREAUCRATS WHO SHOULD HAVE BEEN ISSUING ELECTION MATERIALS WERE INSTEAD

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PAGE 02 ZAGREB 00995 02 OF 03 061502Z
STRETCHING LONG WEEKENDS INTO HOLIDAYS. FULLY 237 MUNICIPALITIES HAVE A SIGNIFICANT ENOUGH MINORITY POPULATION TO ELECT MINORITY COUNCILS, EACH OF WHICH CAN HAVE FROM 10 - 15 MEMBERS (DEPENDING WHETHER IT IS A CITY/TOWN COUNCIL OR A COUNTY COUNCIL), PUPOVAC EXPLAINED, AND IT IS A MONUMENTAL TASK TO IDENTIFY CANDIDATES, PROVIDE THEM WITH REGISTRATION FORMS, ENSURE THEY HAVE THE APPROPRIATE NUMBER NOMINATION SIGNATURES AND THEN PAY THE FEE (ABOUT USD 7.00).

19. (C) PUPOVAC ADMITTED HE WAS CONCERNED THAT NATIONAL-LEVEL ETHNIC POLITICAL PARTIES, LIKE HIS INDEPENDENT SERBIAN DEMOCRATIC PARTY (SDSS), WOULD LOSE INFLUENCE IF THEY COULD NOT REACH OUT TO ENOUGH LOCAL-LEVEL CANDIDATES IN TIME TO SEAT A RESPECTABLE NUMBER OF LOCAL COUNCILORS. PUPOVAC SPECULATED THAT WHILE THE COUNCILS HAVE NO FORMAL ROLE IN SELECTING CANDIDATES FOR LOCAL-LEVEL BY-ELECTIONS (REQUIRED TO ENSURE PROPORTIONAL REPRESENTATION BY MINORITIES IN LOCAL COUNCILS), HE WAS SURE THAT THE COUNCILS WOULD BE INFLUENTIAL IN THAT PROCESS.

110. (C) ETHNIC HUNGARIAN LEADER TIBOR SANTO, WHO HOLDS ONE OF FIVE SEATS IN PARLIAMENT DESIGNATED FOR CROATIA'S ETHNIC MINORITIES, AGREED THAT THE DEADLINE IS SHORT, BUT SAID THAT HE EXPECTED ETHNIC HUNGARIANS TO FIELD LISTS OF CANDIDATES IN ALL OF THE TWO DOZEN MUNICIPALITIES WHERE HUNGARIANS MAKE UP ENOUGH OF THE POPULATION TO QUALIFY TO FORM MINORITY COUNCILS. HE SAID THAT THE GOVERNMENT HAD NOT ACTED INAPPROPRIATELY IN SETTING THE MAY 18 ELECTION DATE.

CALL FOR ITALIANS TO BOYCOTT COUNCIL ELECTIONS

CONFIDENTIAL

PAGE 03 ZAGREB 00995 02 OF 03 061502Z

111. (C) FURIO RADIN, THE MP REPRESENTING CROATIA'S ITALIAN MINORITY IN PARLIAMENT, INSISTS THAT THE MAY 18 DEADLINE IS FAR TOO SHORT AND HAS CALLED FOR THE GOVERNMENT TO SET

ANOTHER DATE FAR IN THE FUTURE. HE PUBLICLY CALLED ON ETHNIC ITALIANS TO BOYCOTT THE ELECTION AND SAID THAT CROATIA'S ITALIAN UNION (AN ISTRIA-BASED ETHNIC POLITICAL GROUPING) WOULD NOT PARTICIPATE IN DRAFTING LISTS OF CANDIDATES. RADIN TOLD OSCE PRIVATELY THAT THE DEADLINES ARE "IMPOSSIBLE TO MEET" AND SPECULATED THAT THE MAY 18 DATE WAS "EITHER A RESULT OF UTTER INCOMPETENCE OR A CLEAR WISH ON THE PART OF THE GOVERNMENT TO DEMONSTRATE THAT MINORITIES WERE WEAK AND INCAPABLE." RADIN POINTED OUT TO THE OSCE THAT THE ELECTION RULES STATE THAT CANDIDATE LISTS MUST BE COMPLETED AND SUBMITTED WITHIN TWELVE DAYS OF THE ANNOUNCEMENT OF ELECTIONS. BECAUSE OF THE EASTER HOLIDAY, THIS PERIOD WAS SHORTENED FURTHER.

IS RADIN JUST PROTECTING HIS INTERESTS?

12. (C) OTHER ETHNIC LEADERS WERE SURPRISED BY RADIN'S VEHEMENCE AND, WHILE THEY RESPECT THE STRONG STANCE TAKEN BY THE ITALIANS, THEY WONDER IF THE BOYCOTT TACTIC IS COUNTERPRODUCTIVE. SERB LEADER PUPOVAC SPECULATED TO US THAT ONE REASON THE ITALIANS MAY OBJECT TO THE NEW MINORITY ORDER IS BECAUSE THEY HAVE BEEN KNOCKED DOWN A PEG. BEFORE PASSAGE OF THE NEW CLNM, BOSNIAKS WERE NOT IDENTIFIED AS AN ETHNIC MINORITY. NOW (USING DATA FROM THE MOST RECENT CENSUS), BOSNIAKS ARE THE SECOND MOST NUMEROUS "NATIONAL MINORITY" IN CROATIA, WHICH MEANS THAT THEY WILL GET A LARGER SLICE OF

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PAGE 04 ZAGREB 00995 02 OF 03 061502Z
STATE FUNDING THAN THE ITALIANS WILL.

13. (C) HUNGARIAN MP SANTO TOLD US THAT RADIN IS MOST LIKELY CONCERNED THAT THE NEW MINORITY COUNCILS WILL DISPLACE THE ITALIAN UNION. AS A POLITICAL ORGANIZATION, ONLY UNION MEMBERS ELECT THEIR OFFICERS. CROATIA'S ITALIAN UNION IS EXPRESSLY NAMED IN BILATERAL AGREEMENTS WITH THE GOVERNMENT OF ITALY AS THE REPRESENTATIVE FOR ETHNIC ITALIANS IN CROATIA. SANTO SPECULATED THAT IF ELECTIONS FOR THE NEW COUNCILS ARE SUCCESSFUL, THE ITALIAN UNION'S STATUS WILL DECREASE. HE SAID THAT THE MINORITY COUNCILS WERE NOT INTENDED TO BE AN EXTENSION OF NATIONAL-LEVEL ETHNIC POLITICAL ORGANIZATIONS. THEY WERE INTENDED RATHER TO EMPOWER A GROUP OF LOCAL MINORITIES TO SUPPORT AND DEFEND MINORITY ISSUES AT THE LOCAL LEVEL.

14. (C) MATO ARLOVIC, CHAIR OF THE PARLIAMENT'S CONSTITUTION, RULES AND POLITICAL SYSTEM COMMITTEE (WHICH DRAFTED THE CLNM) TOLD US THAT RADIN'S RESISTANCE IS ALL ABOUT MONEY. ACCORDING TO ONE PRESS ARTICLE, THE ITALIAN GOVERNMENT IS FUNDING THE ITALIAN UNION TO THE TUNE OF ALMOST 3.5 MILLION EURO IN 2003. A MINORITY COUNCIL WHICH REPRESENTS THE BROADER ETHNIC ITALIAN COMMUNITY IN CROATIA MIGHT AT SOME POINT COMPETE FOR THIS FUNDING.

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PAGE 01 ZAGREB 00995 03 OF 03 061503Z
ACTION EUR-00

INFO	LOG-00	NP-00	AID-00	AMAD-00	CIAE-00	INL-00	DODE-00
	SRPP-00	DS-00	EB-00	FBIE-00	VC-00	TEDE-00	INR-00
	IO-00	L-00	VCE-00	AC-01	NSAE-00	NSCE-00	OIC-02
	OMB-01	OPIC-01	PA-00	PM-00	PRS-00	ACE-00	P-00
	SCT-00	SP-00	IRM-00	STR-00	TRSE-00	USIE-00	EPAE-00
	ECA-00	PMB-00	DSCC-00	PRM-00	DRL-01	G-00	NFAT-00
	SAS-00	SWCI-00	/006W				

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P 061450Z MAY 03
FM AMEMBASSY ZAGREB
TO SECSTATE WASHDC PRIORITY 0118
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C O N F I D E N T I A L SECTION 03 OF 03 ZAGREB 000995

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OSCE PRESSES FOR GOC FLEXIBILITY

15. (C) PETER SEMNEBY, HEAD OF THE OSCE MISSION TO CROATIA, MET WITH FIRST DEPUTY PRIME MINISTER ANTE SIMONIC ON APRIL 25 TO LOBBY FOR MORE GOC HELP TO MINORITIES SEEKING TO REGISTER AS CANDIDATES. PUBLICLY, THE OSCE IS ENCOURAGING MINORITIES TO TAKE PART IN THE ELECTION, BUT PRIVATELY, THEY WONDER

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PAGE 02 ZAGREB 00995 03 OF 03 061503Z
WHETHER RADIN IS RIGHT AND WHETHER THE GOC HAS ENGINEERED THIS PROCESS TO FAIL. DEPUTY PRIME MINISTER GORAN GRANIC HAS

BEEN TASKED BY THE CABINET WITH IMPLEMENTING THE CLNM --
GRANIC HAS BEEN INCREASINGLY OBSTRUCTIONIST TO INTERNATIONAL
COMMUNITY EFFORTS ON REFUGEE RETURNS AND WAR CRIMES.

116. (C) PUPOVAC ADMITS THAT THE ACRIMONIOUS DEBATE BEFORE
PASSAGE OF THE CLNM MAY HAVE MADE SOME LEADING COALITION
FIGURES -- INCLUDING DPM GRANIC -- LESS EAGER TO REACH OUT TO
POLITICAL LEADERS OF THE MINORITY COMMUNITY. PUPOVAC SAID HE
MET WITH GRANIC JUST AFTER THE APRIL 10 CABINET MEETING WHEN
THE DATE FOR COUNCIL ELECTIONS HAD BEEN SET (BUT BEFORE
PUBLICATION), BUT THE DPM MADE NO MENTION OF THE MAY 18 DATE.
OSCE DEPUTY HEAD OF MISSION TODD BECKER (PLEASE PROTECT)
ADMITTED THAT THE GOC ACTIONS HAVE BEEN LEGAL, BUT ADDED THAT
HE THINKS THIS "OMISSION" COMBINED WITH THE DECISION TO
SCHEDULE ELECTIONS AT THIRTY-TWO DAYS AFTER ANNOUNCING
ELECTIONS (RATHER THAN CLOSER TO 60 DAYS) SHOWS THAT THE
GOVERNMENT DOES NOT WANT THESE ELECTIONS TO BE A SUCCESS.

GOC EXTENDS DEADLINE TO VERIFY VOTER ROLLS

117. (C) THERE ARE SOME RECENT SIGNS THAT THE GOVERNMENT IS
RESPONDING TO PRESSURE TO MAKE THE ELECTIONS A SUCCESS. MANY
MUNICIPALITIES HAVE ALREADY PUBLISHED CANDIDATE LISTS. ON
MAY 5, THE GOVERNMENT ANNOUNCED AN EXTENSION OF THE DEADLINE
FOR MINORITIES TO CHECK VOTER REGISTRATION LISTS TO ENSURE
ALL ELIGIBLE RESIDENTS WILL BE ALLOWED TO CAST BALLOTS.
PUPOVAC WELCOMED THE EXTENSION OF THE DEADLINE, BUT IT WAS
NOT ENOUGH FOR RADIN; HE TOLD US ON MAY 6 THAT THE ITALIANS
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PAGE 03 ZAGREB 00995 03 OF 03 061503Z
STILL PLAN TO BOYCOTT THE ELECTION AND PLANS TO SEEK A NEW
DATE FOR ITALIAN ELECTIONS. (WE UNDERSTAND THAT THE BOYCOTT
IS NOT TOTAL; SOME ETHNIC ITALIAN COMMUNITIES HAVE PROPOSED
CANDIDATE LISTS OVER THE OBJECTIONS OF THE ITALIAN UNION.)

COMMENT

118. (C) THE INTERNATIONAL COMMUNITY HAS BEEN PUSHING THE GOC
TO MOVE FORWARD ON IMPLEMENTING THE CLNM SINCE IT WAS PASSED,
AND THE MINORITY COMMUNITIES HERE HAVE CHEERED US ON. NOW
THAT THE GOC IS MOVING FORWARD, THE MINORITIES ARE CRYING
"FOUL" AND ARE ASKING FOR A DELAY IN THIS ELECTION. THIS
ELECTION SHOULD NOT HAVE COME AS A SURPRISE TO ANYONE IN THE
MINORITY COMMUNITY, LEAST OF ALL TO RADIN. HE HELPED DRAFT
THE CLNM AND KNOWS THE DEADLINES AND TIME LIMITS IN THE
ELECTION RULES. WE THINK THE OSCE'S CURRENT PUBLIC LINE IS
RIGHT ON THE MONEY: KEEP THE PRESSURE ON THE GOC TO COMMIT
RESOURCES AND SHOW FLEXIBILITY AS THE ELECTION APPROACHES
WHILE AT THE SAME TIME ENCOURAGING MINORITIES TO PARTICIPATE.
ROSSIN

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